MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chair Jeff Essmann, on April 10, 2017 at 9:00 A.M., in Room 152 Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)

Rep. Kelly Flynn, Vice Chair (R)

Rep. Kim Abbott (D)

Rep. Becky Beard (R)

Rep. Zach Brown (D)

Rep. Mary Ann Dunwell (D)

Rep. Dave Fern (D)

Rep. Wylie Galt (R)

Rep. Jim Hamilton (D)

Rep. Adam Hertz (R)

Rep. Greg Hertz (R)

Rep. Steve Lavin (R)

Rep. James O'Hara (R)

Rep. Alan Redfield (R)

Rep. Bridget Smith (D)

Rep. Tom Welch (R)

Rep. Kerry White (R)

Members Excused:

Rep. Tom Jacobson, Vice Chair (D)

Rep. Ron Ehli (R)

Rep. George G. Kipp III (D)

Members Absent: None

Staff Present: Margot Miltenberger, Committee Secretary

Megan Moore, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Executive Action: SB 317; SB 333

00:01:02 Rep. Jacobson joined the meeting

EXECUTIVE ACTION ON SB 317

00:02:32 Megan Moore, Legislative Services Division (LSD)

00:03:01 Motion: Rep. Flynn moved that **SB 317 BE AMENDED**.

EXHIBIT(tah75a01)

Discussion:

00:03:24	Rep. Hamilton
00:04:03	Chair Essmann
00:04:16	Rep. Dunwell

00:04:44 Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted

by proxy.

00:05:14 **Motion:** Rep. Redfield moved that **SB 317 BE AMENDED**.

EXHIBIT(tah75a02)

Discussion:

00:05:28	Rep. Jacobson
00:05:33	Rep. Redfield
00:05:46	Chair Essmann
00:05:55	Rep. Z. Brown
00:06:08	Rep. Redfield
00:06:27	Rep. G. Hertz

00:06:40 **Vote:** Motion carried 13-7 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep.

Dunwell, Rep. Hamilton, Rep. Jacobson, Rep. Kipp and Rep. B. Smith voting no.

Rep. Ehli and Rep. Kipp voted by proxy.

00:08:01 Motion/Vote: Rep. Flynn moved that SB 317 BE CONCURRED IN AS

AMENDED. Motion carried 17-3 by roll call vote with Rep. Abbott, Rep. Dunwell and Rep. Hamilton voting no. Rep. Ehli and Rep. Kipp voted by proxy. Rep.

Redfield will carry the bill.

00:09:37 Recessed 00:18:47 Reconvened

EXECUTIVE ACTION ON SB 333

00:19:40	Rep. Fern
00:20:10	Brian Watson, Department of Public Health and Human Services (DPHHS)
00:21:14	Chair Essmann
00:22:43	Motion: Rep. Flynn moved that SB 333 BE CONCURRED IN.

00:23:06 Megan Moore, LSD 00:23:36 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**. EXHIBIT(tah75a03) 00:23:50 Megan Moore, LSD 00:24:22 Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted by proxy. 00:25:10 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**. EXHIBIT(tah75a04) 00:25:19 Megan Moore, LSD Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted 00:25:52 by proxy. 00:26:14 Motion: Rep. Flynn moved that SB 333 BE AMENDED. EXHIBIT(tah75a05) Discussion: 00:26:29 Megan Moore, LSD 00:27:03 Rep. Hamilton Rep. Jacobson 00:27:31 00:28:14 Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted by proxy. 00:28:37 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**. EXHIBIT(tah75a06) **Discussion:** 00:29:30 Sue O'Connell, Legislative Services Division (LSD) 00:31:27 Chair Essmann 00:31:55 Rep. Jacobson 00:32:10 Chair Essmann 00:32:24 Rep. White 00:32:45 Rep. Abbott Rep. White 00:33:13 00:33:26 Rep. Jacobson 00:34:17 Vote: Motion carried 11-9 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep. Dunwell, Rep. Fern, Rep. Hamilton, Rep. A. Hertz, Rep. Jacobson, Rep. Kipp and Rep. B. Smith voting no. Rep. Ehli and Rep. Kipp voted by proxy. 00:35:36 Motion: Rep. Flynn moved that SB 333 BE AMENDED.

EXHIBIT(tah75a07)

Discussion:

00:36:17 Megan Moore, LSD 00:36:44 Rep. Z. Brown 00:37:43 Rep. Hamilton 00:38:11 Rep. Galt

00:38:24 Without objection, Rep. Flynn withdrew the **BE AMENDED** motion.

00:38:36 **Motion:** Rep. Abbott moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a08)

Discussion:

00:38:55 Megan Moore, LSD 00:39:23 Rep. A. Hertz 00:39:50 Rep. Dunwell

00:40:14 **Vote:** Motion carried 14-6 by roll call vote with Rep. Flynn, Rep. A. Hertz, Rep.

G. Hertz, Rep. Redfield, Rep. Welch and Rep. White voting no. Rep. Ehli and

Rep. Kipp voted by proxy.

00:41:44 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a09)

Discussion:

00:42:00 Rep. A. Hertz 00:43:04 Chair Essmann 00:43:35 Rep. A. Hertz 00:43:50 Rep. Jacobson Chair Essmann 00:45:08 00:45:24 Rep. Jacobson 00:46:01 Brian Watson, DPHHS 00:46:51 Rep. Hamilton Brian Watson, DPHHS 00:47:21

00:49:30 Rep. Redfield 00:49:46 Rep. G. Hertz Rep. Jacobson 00:50:23 00:50:44 Rep. A. Hertz Rep. Jacobson 00:51:04 Rep. A. Hertz 00:51:15 00:52:10 Rep. Jacobson 00:52:24 Rep. A. Hertz 00:52:40 Chair Essmann 00:53:04 Rep. Hamilton

00:53:46 Vote: Motion failed 6-14 by roll call vote with Rep. Z. Brown, Rep. A. Hertz, Rep.

G. Hertz, Rep. B. Smith, Rep. Welch and Rep. White voting aye. Rep. Ehli and

Rep. Kipp voted by proxy.

00:55:08 Motion: Rep. Flynn moved that SB 333 BE AMENDED.

EXHIBIT(tah75a10)

Discussion:

00:55:15	Megan Moore, LSD
00:56:32	Rep. Z. Brown
00:56:44	Rep. Dunwell
00:56:54	Rep. Z. Brown
00:57:30	Chair Essmann

00:57:35 Without objection, Rep. Flynn withdrew the **BE AMENDED** motion.

00:57:46 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a11)

Discussion:

00:57:54	Megan Moore, LSD
00:58:38	Rep. Dunwell

00:59:02 <u>Vote</u>: Motion carried 16-4 by voice vote with Rep. Galt, Rep. Lavin, Rep.

Redfield and Rep. White voting no. Rep. Ehli and Rep. Kipp voted by proxy.

00:59:48 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a12)

Discussion:

01:00:14	Megan Moore, LSD
01:01:09	Chair Essmann
01:01:35	Rep. Dunwell

01:01:46 Vote: Motion carried 18-2 by voice vote with Rep. Lavin and Rep. Redfield

voting no. Rep. Ehli and Rep. Kipp voted by proxy.

01:02:20 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a13)

Discussion:

01:02:35	Megan Moore, LSD
01:03:01	Rep. Fern
01:04:06	Rep. Jacobson
01:06:22	Brian Watson, DPHHS
01:06:44	Rep. White
01:07:21	Rep. Fern
01:08:05	Chair Essmann
01:08:37	Rep. G. Hertz
01:09:18	Brian Watson, DPHHS

01:09:29 Substitute Motion: Rep. Essmann moved that SB 333 BE CONCEPTUALLY

AMENDED ON PAGE 8, LINES 23-24 TO READ "THE

DEPARTMENT...REGISTRY IDENTIFICATION CARDS ISSUED PURSUANT TO THIS PART MUST ALSO INCLUDE A (1) PICTURE OF THE REGISTERED CARD HOLDER AND (2) THAT IS CAPABLE OF BEING USED TO TRACK

REGISTERED CARDHOLDER PURCHASES."

Without objection, Rep. Flynn withdrew the BE AMENDED motion.
 Vote: Motion carried 16-4 by roll call vote with Rep. Z. Brown, Rep. Galt, Rep. Lavin and Rep. Redfield voting no. Rep. Ehli and Rep. Kipp voted by proxy.
 Rep. Z. Brown
 Motion: Rep. Flynn moved that SB 333 BE AMENDED.

U1:12:15 <u>Motion</u>: Rep. Flynn moved that **35 333 BE AMENDEL**

EXHIBIT(tah75a14)

Discussion:

01:12:1	10	Megan Moore, LSD
01:12:4	13	Rep. Z. Brown
01:14:3	35	Rep. Jacobson
01:16:0)4	Rep. Abbott
01:16:4	16	Rep. Dunwell
01:17:2	25	Rep. B. Smith
01:17:3	34	Rep. Z. Brown
01:18:3	35	Rep. Fern
01:19:1	14	Megan Moore, LSD
01:19:4	11	Rep. Fern
01:20:0)5	Megan Moore, LSD
01:20:2	22	Rep. Essmann
01:21:2	29	Rep. G. Hertz
01:22:0)3	Rep. Hamilton
01:22:4	1 5	Vote: Motion failed 7-13 by roll call vote with Rep

Vote: Motion failed 7-13 by roll call vote with Rep. Abbott, Rep. Beard, Rep. Brown, Rep. Dunwell, Rep. Hamilton, Rep. A. Hertz and Rep. B. Smith voting aye. Rep. Ehli and Rep. Kipp voted by proxy.

01:24:12 <u>Motion</u>: Rep. Flynn moved that **SB 333 BE AMENDED**. **EXHIBIT(tah75a15)**

Discussion:

<u> </u>	
01:24:21	Megan Moore, LSD
01:24:57	Chair Essmann
01:25:34	Rep. Fern
01:26:32	Chair Essmann
01:26:53	Rep. Dunwell
01:27:19	Sue O'Connell, LSD
01:27:48	Rep. Jacobson
01:28:09	Rep. A. Hertz
01:28:44	Chair Essmann
01:28:53	Rep. Jacobson

01:29:34 <u>Vote</u>: Motion carried 13-7 by roll call vote with Rep. Abbott, Rep. Dunwell, Rep. Hamilton, Rep. A. Hertz, Rep. Jacobson, Rep. Kipp and Rep. B. Smith voting no. Rep. Ehli and Rep. Kipp voted by proxy.

01:30:36 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a16)

Discussion:

<u> </u>	
01:30:58	Megan Moore, LSD
01:31:45	Rep. Redfield
01:32:29	Cort Jensen, Montana Department of Agriculture (MDA)
01:34:12	Rep. Jacobson
01:34:28	Rep. Redfield
01:34:33	Rep. Fern
01:35:16	Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted
	by proxy.

Motion: Rep. Flynn moved that SB 333 BE AMENDED. 01:36:19

EXHIBIT(tah75a17)

Discussion:

Discussion:	
01:36:28	Megan Moore, LSD
01:37:07	Rep. Dunwell
01:37:17	Megan Moore, LSD
01:37:48	Rep. Jacobson
01:38:05	Rep. White
01:38:27	Gene Walborn, Department of Revenue (DOR)
01:38:44	Chair Essmann
01:38:56	Brian Watson, DPHHS
01:39:08	Rep. White
01:39:35	Brian Watson, DPHHS
01:40:08	Rep. Jacobson
01:40:50	Rep. G. Hertz
01:41:16	Rep. Dunwell
01:42:07	Rep. Jacobson
01:42:46	Rep. B. Smith
01:42:59	Rep. Jacobson
01:43:28	Chair Essmann
01:43:40	Rep. Abbott
01:43:52	Vote: Motion carried 12-8 by roll call vote with Rep. Beard, Rep. Z. Brown, Rep.
	Flynn, Rep. A. Hertz, Rep. G. Hertz, Rep. O'Hara, Rep. B. Smith and Rep. White
	voting no Don Ebli and Don Vinn voted by provy

voting no. Rep. Ehli and Rep. Kipp voted by proxy.

Motion: Rep. Flynn moved that SB 333 BE AMENDED. 01:45:26

EXHIBIT(tah75a18)

Discussion:

01:45:33	Megan Moore, LSD
01:46:07	Rep. Fern
01:46:56	Rep. Jacobson
01:47:39	Brian Watson, DPHHS

01:49:24 <u>Vote</u>: Motion carried 18-2 by voice vote with Rep. Abbott and Rep. G. Hertz

voting no. Rep. Ehli and Rep. Kipp voted by proxy.

01:49:51 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a19)

01:50:02 Megan Moore, LSD

01:50:30 Vote: Motion carried unanimously by voice vote. Rep. Ehli and Rep. Kipp voted

by proxy.

Megan Moore, LSD

01:50:45 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a20)

Discussion:

01:50:59

01.00.00	Wegari Woore, Lob
01:51:21	Rep. G. Hertz
01:51:42	Rep. Abbott
01:52:17	Rep. White
01:52:31	Rep. Z. Brown left the meeting
01:52:49	Rep. Fern
01:53:08	Rep. G. Hertz
01:53:46	Chair Essmann
01:54:05	Rep. G. Hertz
01:54:41	Rep. Jacobson
01:55:36	Rep. Hamilton left the meeting
01:56:25	Rep. A. Hertz
01:57:25	<u>Vote</u> : Motion failed 10-10 by roll call vote with Rep. Beard, Rep. Ehli, Rep. Essmann, Rep. Flynn, Rep. Galt, Rep. A. Hertz, Rep. G. Hertz, Rep. O'Hara, Rep. B. Smith and Rep. White voting aye. Rep. Z. Brown, Rep. Ehli, Rep. Hamilton and Rep. Kipp voted by proxy.

01:58:46 Motion: Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a21)

Discussion:

01:59:04	Megan Moore, LSD
01:59:21	Rep. White
01:59:28	Rep. Jacobson
02:00:09	Rep. White
02:01:12	Chair Essmann
02:01:26	Rep. Dunwell
02:02:03	Brian Watson, DPHHS
02:03:11	Rep. Jacobson
02:03:34	Chair Essmann
02:03:45	Rep. G. Hertz
02:04:00	Rep. White

02:04:06 Motion: Rep. Flynn moved to RECONSIDER ACTION ON AMENDMENT SB033314.AMM 02:04:23 Without objection, Rep. Flynn withdrew the **BE AMENDED** motion. 02:04:39 Vote: Motion carried 13-7 by roll call vote with Rep. Z. Brown, Rep. Dunwell, Rep. Fern, Rep. Hamilton, Rep. Jacobson, Rep. Kipp and Rep. Lavin voting no. Rep. Z. Brown, Rep. Ehli and Rep. Kipp voted by proxy. Motion: Rep. Flynn moved that SB 333 BE AMENDED. 02:05:56 EXHIBIT(tah75a22) Discussion: 02:06:05 Rep. Abbott 02:06:21 Rep. Hamilton 02:07:20 Vote: Motion carried 12-8 by roll call vote with Rep. Z. Brown, Rep. Dunwell, Rep. Fern, Rep. Hamilton, Rep. Jacobson, Rep. Kipp, Rep. Lavin and Rep. Welch voting no. Rep. Z. Brown, Rep. Ehli and Rep. Kipp voted by proxy. 02:08:27 Rep. Dunwell 02:08:47 **Motion:** Rep. Flynn moved that **SB 333 BE AMENDED**. EXHIBIT(tah75a23) Discussion: 02:09:05 Megan 02:09:23 Rep. Dunwell 02:10:04 Chair Essmann 02:10:19 Megan Moore, LSD 02:11:01 Rep. White 02:11:30 Rep. G. Hertz 02:12:00 Rep. Jacobson 02:12:20 Chair Essmann 02:12:31 Megan Moore, LSD

Vote: Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Ehli and

02:13:15 <u>Motion</u>: Rep. Flynn moved that **SB 333 BE AMENDED**.

Rep. Kipp voted by proxy.

EXHIBIT(tah75a24)

Discussion:

02:12:53

02:13:24	Megan Moore, LSD
02:14:24	Brian Watson, DPHHS
02:15:00	Chair Essmann
02:15:10	Brian Watson, DPHHS
02:15:18	Rep. White
02:15:56	Brian Watson, DPHHS
02:16:21	Rep. Dunwell

02:16:56 02:17:23	Brian Watson, DPHHS Rep. Lavin	
02:17:34	Substitute Motion: Rep. Essmann moved that SB 333 BE CONCEPTUALLY AMENDED TO STRIKE "MAY NOT BE SOLD" AND INSERT "MUST BE DESTROYED."	
02:17:57 02:19:22 02:19:48 02:19:56 02:21:37 02:21:40	Rep. G. Hertz Brian Watson, DPHHS Rep. G. Hertz Cort Jensen, MDA Chair Essmann Rep. G. Hertz left the meeting	
02:21:42	Without objection, Rep. Essmann withdrew the BE AMENDED motion.	
02:21:44	Without objection, Rep. Flynn withdrew the BE AMENDED motion.	
02:21:56 Motion: Rep. Flynn moved that SB 333 BE AMENDED. EXHIBIT(tah75a25)		
02:22:08	Megan Moore, LSD	
02:22:42	Vote : Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Ehli, Rep. G. Hertz and Rep. Kipp voted by proxy.	
02:23:11 <u>EXHIBIT(</u> tah	Motion: Rep. Flynn moved that SB 333 BE AMENDED. 75a26)	
02:23:29	Megan Moore, LSD	
02:24:01	Vote : Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Ehli, Rep. G. Hertz and Rep. Kipp voted by proxy.	
02:24:27	Rep. G. Hertz joined the meeting	
02:24:36 <u>Motion</u> : Rep. Flynn moved that SB 333 BE AMENDED . <u>EXHIBIT(tah75a27)</u>		
Discussion: 02:24:42 02:25:10 02:25:27 02:25:57 02:26:06 02:26:49 02:27:23 02:27:42 02:28:18 02:28:32	Megan Moore, LSD Rep. Dunwell Sue O'Connell, LSD Rep. Dunwell Gene Walborn, DOR Rep. White Chair Essmann Rep. White Rep. Abbott Rep. G. Hertz	

02:29:31 02:29:35	Gene Walborn, DOR Rep. G. Hertz
02:29:57	Substitute Motion: Rep. Essmann moved that SB 333 BE CONCEPTUALLY AMENDED TO STRIKE "REGISTERED CARD HOLDERS." ALSO, ON PAGE 10, LINE 4, TO INSERT "THE DEPARTMENT MAY ONLY SHARE INFORMATION ABOUT PROVIDERS, MARIJUANA INFUSED DISPENSARIES, AND TESTING LABS WITH THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF INVESTIGATION OF NON-COMPLIANCE."
02:30:24	Without objection, Rep. Flynn withdrew the BE AMENDED motion.
02:30:51	Megan Moore, LSD
02:31:26	<u>Vote</u> : Motion carried unanimously by voice vote. Rep. Z. Brown, Rep. Ehli and Rep. Kipp voted by proxy.
02:31:51 <u>EXHIBIT(</u> tah7	Motion: Rep. Flynn moved that SB 333 BE AMENDED. 75a28)
Discussion: 02:32:16 02:33:33 02:35:50	Megan Moore, LSD Chair Essmann Rep. Jacobson

<u>Vote</u>: Motion carried 18-2 by voice vote with Rep. Hamilton and Rep. B. Smith voting no. Rep. Z. Brown, Rep. Ehli, Rep. Kipp and Rep. White voted by proxy.

02:36:48 Motion: Rep. Flynn moved that SB 333 BE AMENDED. EXHIBIT(tah75a29)

02:36:07

Discussion:	
02:37:09	Megan Moore, LSD
02:38:25	Rep. Jacobson
02:38:51	Gene Walborn, DOR
02:39:29	Rep. Jacobson
02:39:41	Chair Essmann
02:41:18	Rep. Abbott
02:41:49	Rep. Z. Brown joined the meeting
02:42:09	Brian Watson, DPHHS
02:42:54	Rep. White joined the meeting
02:42:57	Rep. Abbott
02:43:10	Brian Watson, DPHHS
02:43:42	Rep. Abbott
02:44:20	Rep. A. Hertz
02:46:24	Rep. Dunwell
02:47:23	Rep. G. Hertz
02:47:57	Megan Moore, LSD
02:48:13	Rep. Fern

02:48:49 Rep. G. Hertz
02:48:59 Without objection, Rep. Flynn withdrew the **BE AMENDED** motion.
02:49:05 Motion: Rep. Flynn moved that **SB 333 BE AMENDED**.

EXHIBIT(tah75a30)

Discussion:

02:49:26	Megan Moore, LSD
02:50:14	Chair Essmann
02:50:45	Megan Moore, LSD

02:51:22 Motion: Rep. Essmann moved that AMENDMENT SB033322.AMM BE

SEGREGATED. Motion was without objection.

02:51:30 Motion: Rep. Essmann moved that SB 333 BE AMENDED WITH PARTS 1-7

OF AMENDMENT SB033322.AMM.

Discussion:

02:51:52	Rep. Dunwell
02:52:10	Chair Essmann
02:52:31	Rep. Dunwell
02:52:47	Rep. Hamilton
02:53:20	Rep. A. Hertz
02:53:53	Rep. Jacobson

02:54:53 **Vote:** Motion carried 11-9 by roll call vote with Rep. Abbott, Rep. Z. Brown, Rep.

Dunwell, Rep. Fern, Rep. Hamilton, Rep. A. Hertz, Rep. Jacobson, Rep. Kipp

and Rep. B. Smith voting no. Rep. Ehli and Rep. Kipp voted by proxy.

Discussion:

02:56:17	Megan Moore, LSD
02:57:05	Chair Essmann
02:57:41	Sue O'Connell, LSD
02:58:19	Chair Essmann
02:58:42	Megan Moore, LSD
02:59:30	Chair Essmann
03:00:06	Rep. G. Hertz

03:00:24 Motion: Rep. Flynn moved that SB 333 BE CONCURRED IN AS AMENDED.

Discussion:

Chair Essmann
Rep. Jacobson
Rep. G. Hertz
Chair Essmann

03:03:34 **Vote:** Motion carried 14-6 by roll call vote with Rep. Beard, Rep. Z. Brown, Rep.

Galt, Rep. Hamilton, Rep. O'Hara and Rep. White voting no. Rep. Ehli and Rep.

Kipp voted by proxy. Rep. Hertz will carry the bill.

ADJOURNMENT

Adjournment: 03:05:03	
	Margot Miltenberger, Secretary
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Additional Documents:	

EXHIBIT(tah75aad.pdf)